



PATENT
Customer No. 22,852
Attorney Docket No. 02481.1631-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Wendelin FRICK et al.) Group Art Unit: 1626
Application No.: 10/606,771) Examiner: D. Lambkin
Filed: June 27, 2003) Confirmation No.: 6378

For: BENZOTHIEPINE 1, 1-DIOXIDE DERIVATIVES, A PROCESS FOR THEIR
PREPARATION, PHARMACEUTICALS COMPRISING THESE COMPOUNDS, AND
THEIR USE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

TERMINAL DISCLAIMER

Assignee, Aventis Pharma Deutschland GmbH, duly organized under the laws of Germany, represents that it is the assignee of the entire right, title and interest in and to the above-identified application, Application No. 10/606,771, filed June 27, 2003, for Benzothiepine 1, 1-Dioxide Derivatives, A Process For Their Preparation, Pharmaceuticals Comprising These Compounds, And Their Use, in the names of Wendelin FRICK et al., as indicated by an assignment duly recorded in the United States Patent and Trademark Office at Reel 011019, Frame 0234, on August 18, 2000. Assignee, Aventis Pharma Deutschland GmbH, further represents that it is the assignee of the entire right, title and interest in and to U.S. Patent Nos. 6,221,897, 6,441,022 and 6,642,269, as indicated by the same assignment recorded in the United States Patent and Trademark Office.

To obviate a double patenting rejection, assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent Nos. 6,221,897, 6,441,022 and 6,642,269. Assignee hereby agrees that any patent so granted on the instant application shall be enforceable only for and during

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such period that it and the prior patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patents, as presently shortened by any terminal disclaimer, in the event that the prior patents later expire for failure to pay a maintenance fee, are held unenforceable, are found invalid by a court of competent jurisdiction, are statutorily disclaimed in whole or in part, are terminally disclaimed under 37 C.F.R. § 1.321, have all claims canceled by a reexamination certificate, are reissued, or are in any manner terminated prior to the expiration of their full statutory term as presently shortened by any terminal disclaimer.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee of \$130.00 is being filed with this disclaimer.

If a check for the required fee is not filed concurrently herewith or if there are any additional fees due in connection with the filing of this Terminal Disclaimer, please charge the fees to our Deposit Account No. 06-0916. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to Deposit Account No. 06-0916.

The undersigned is an attorney of record as indicated in the Declaration and Power of Attorney filed with this application on June 27, 2003.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: July 12, 2005

By: Carol P. Einaudi
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